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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/887,070
Filing Date: June 25, 2001
Appellant(s): SORENSEN, LAUGE S.

Sumit Bhattacharya
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 03/29/2010 appealing from the Office action mailed 11/03/2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,374,300	Masters	04-2002
6,839,700	Doyle et al.	01-2005
6,889,379	Lindhorst et al.	05-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 3, 4, 6, 7, 11-16, 18, 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindhorst et al. [US Patent No 6,889,379], in view of Doyle et al. [US Patent No 6,839,700].

3. As per claim 21, Lindhorst discloses the invention as claimed including a method for controlling content of a Hyper Text Transfer Protocol (HTTP) header [i.e. authoring of text and more particularly to techniques for automatically generating HTML script] [col 1, lines 19-22; and col 19, lines 16-27], comprising:

creating HTML or XML content by a developer [i.e. creating a new page with new methods and properties] [col 20, lines 15-22];

inserting information into the content by the developer [i.e. the editor may step the developer through each method and property of the new object to allow the developer to modify the properties and methods as they are incorporated into the object of the new page] [col 20, lines 22-45], said inserted information having a set of associated identifiers [i.e. meta name or meta HTTP-EQUIV] [col 20, lines 32-38; and col 22, lines 11-21].

Lindhorst does not specifically disclose

searching the content for the set of associated identifiers, and selecting header information corresponding to a subset of the set of associated identifiers, the subset selected based on a detected network condition; and

generating a HTTP header for the content, the generated HTTP header including the selected header information, wherein said HTTP header comprises information relating to at least one of routing, displaying, storing, modifying, and decryption of the content.

Doyle discloses

searching the content for the set of associated identifiers [i.e. obtain meta tag, name, HTTP-EQUIV attributes] [Figures 8B-8E; and col 8, lines 42-col 9, lines 28], and selecting header information corresponding to a subset of the set of associated identifiers, the subset

selected based on a detected network condition [i.e. the cost metric information for load balance] [Figure 8B; Abstract; col 2, lines 14-23; and col 8, lines 19-41]; and

generating a HTTP header for the content, the generated HTTP header including the selected header information [i.e. response header] [815, Figure 8A; col 8, lines 19-41], wherein said HTTP header comprises information relating to at least one of routing, displaying, storing, modifying, and decryption of the content [i.e. routing and disk access] [col 2, lines 20-23 and lines 32-39; col 3, lines 35-43; col 5, lines 21-38; and col 8, lines 29-41].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Linhorst and Doyle because the teaching of Doyle on providing load balancing information would enable a more efficiently routing requests for dynamic content generation [Doyle, col 1, lines 8-15; and col 2, lines 17-20].

4. As per claim 3, Lindhorst discloses wherein the HTML or XML content is created at a web server [701, Figure 11; col 19, lines 16-27; and col 24, lines 1-9].

5. As per claim 4, Lindhorst discloses the content comprises of at least one web page [col 7, lines 65-67].

6. As per claim 6, Lindhorst discloses wherein the identifiers comprise at least one of a Meta tag, a label, a tag and a command [i.e. meta name or meta HTTP-EQUIV] [col 20, lines 32-38; and col 22, lines 11-21].

7. As per claim 7, Lindhorst does not specifically disclose performing the searching and generating are to be performed at a network node, the network node being at a different location than where the creating and inserting are performed. Doyle discloses performing the searching and generating are to be performed at a network node, the network node being at a different location than where the creating and inserting are performed [Figure 1; Abstract; col 1, lines 37-col 2, lines 6; and col 3, lines 32-44]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Linhorst and Doyle because the teaching of Doyle would enable a more efficiently routing requests for dynamic content generation [Doyle, col 1, lines 8-15; and col 2, lines 17-20].

8. As per claims 24-28, Doyle discloses wherein the detected network condition includes network traffic, load balancing, network statistics, quality of service, and a service level agreement [i.e. load, load balancing, quality of service, network policy information] [Abstract; and col 1, lines 8-29].

9. As per claim 22, it is apparatus claimed of claim 21, it is rejected for similar reasons as stated above in claim 21.

10. As per claim 11, it is rejected for similar reasons as stated above in claim 3.

11. As per claim 12, Lindhorst does not specifically disclose Internet cache control information. Doyle discloses Internet cache control information [col 1, lines 65-col 2, lines 6].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Linhorst and Doyle because the teaching of Doyle would enable a more efficiently routing requests for dynamic content generation [Doyle, col 1, lines 8-15; and col 2, lines 17-20].

12. As per claim 13, it is rejected for similar reasons as stated above in claim 6.

13. As per claim 14, Lindhorst discloses wherein the network comprises the Internet [col 7, lines 60-62].

14. As per claim 15, Lindhorst does not specifically disclose wherein the at least one network node comprises an Internet cache. Doyle discloses wherein the at least one network node comprises an Internet cache [i.e. cache server] [col 1, lines 65-col 2, lines 6]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Lindhorst and Doyle because the teaching of Doyle would enable a more efficiently routing requests for dynamic content generation [Doyle, col 1, lines 8-15; and col 2, lines 17-20].

15. As per claim 16, it is rejected for similar reasons as stated above in claim 4.

16. As per claim 23, it is program product claimed of claim 21, it is rejected for similar reasons as stated above in claim 21.

17. As per claim 18, it is rejected for similar reasons as stated above in claim 4.

18. As per claim 20, it is rejected for similar reasons as stated above in claim 6.

19. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindhorst et al. [US Patent No 6,889,379], in view of Doyle et al. [US Patent No 6,839,700], and further in view of Masters [US Patent No 6,374,300].

20. As per claim 8, Lindhorst and Doyle do not specifically disclose wherein the network node comprises a router. Masters discloses wherein the network node comprises a router [114, Figure 1A; Abstract; and col 3, lines 61-65]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Lindhorst, Doyle and Masters because Masters' teaching of router would allow nodes to communicate with multiple destinations in a more organized manner.

21. As per claim 9, Lindhorst and Doyle do not specifically disclose performing the searching and generating by a network application at the router. Masters discloses performing the searching and generating by a network appliance at the router [col 5, lines 17-21]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of

Lindhorst, Doyle and Masters because Masters' teaching of router would allow nodes to communicate with multiple destinations in a more organized manner.

(10) Response to Argument

1. As per remarks, Appeal Brief, pages 5-8, Appellant argued that (1) the tasks performed by a content server to which a request is sent and a load balancing host is not the same as searching content developed by a developer for a set of associated identifiers and selecting header information corresponding to a subset of the set of associated identifiers, and generating a HTTP header for the content.

2. As to point (1), Appellant's disclosure describes the developer may develop content at one or more server, once the server receives the request from the client, the server responds by sending the appropriate web page or pages to network appliance 16, the network appliance 16 searches the HTML or XML content for information with certain identifiers [specification, page 8, lines 1-17]. In this case, Doyle discloses a system and method for creating new http headers for response message [Abstract]. Doyle discloses the HTML or XML content [col 8, lines 42-45; and col 9, lines 20-28], and a set of syntax that may be used to convey cost metrics within a response header to a load balancing host [i.e. cost metrics are broadly interpreted as set of associated identifiers as claimed] [col 2, lines 56-col 3, lines 4]. Doyle discloses **identifying different syntax formats within the response header to obtain the cost metrics** [i.e. broadly interpreted as searching the content for the set of associated identifiers and selecting header

information corresponding to a subset of the set of associated identifiers as claimed] [Figure 8A-8G; and col 8, lines 3-col 9, lines 56]. Furthermore, Doyle discloses the "GenerationCost" header shown in Figure 8A is an example of the header syntax that the content server generates, and that the load balancing host **searches for in metric information** created by those servers [i.e. searching the content for the set of associated identifiers and selecting a subset as claimed] [col 8, lines 29-41]. And as shown in Figures 8A and 8G, Doyle discloses the generating a HTTP header for the content. Therefore, the cited prior art teaches the claimed limitation as written, and as such, the claim is unpatentable.

3. As per remarks, Appeal Brief, page 9, Appellant argued that (2) Doyle fails to address utilizing header information relating to routing, displaying, storing, modifying, encryption, and decryption of the content.

4. As to point (2), the claimed language calls for HTTP header comprises information relating to ***at least one of*** routing, displaying, storing, modifying, encryption, and decryption of the content. In similar manner, Doyle shows the HTTP header including the cost metric [Figures 8A-8C; and col 8, lines 19-41], and the cost metric is being considered for determining where to ***route*** a content request [i.e. HTTP header comprises information relating to at least routing as claimed] [col 2, lines 20-23 and lines 32-39]. In addition, Doyle discloses the gather cost metric information may comprises a cost of delivering the generated document content to a proxy or cache, cost which represents ***disk access*** [i.e. broadly interpreted as information relating to storing as claimed] [col 3, lines 35-43; col 5, lines 21-38; and col 8, lines 29-41].

As such, Doyle satisfies ***at least one of*** the four requirements, and Doyle clearly discloses the claimed limitation above. Therefore, the claims remain rejected over the cited prior art.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/DUSTIN NGUYEN/

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